



**REGULAR MEETING
OF THE
BURBANK CITY COUNCIL,
OCTOBER 9, 2013**

- CALL TO ORDER** The meeting of October 9, 2013 was called to order by Mayor Harry J.Klein at 7:30 p.m. in the Council Chamber, 6530 W. 79th Street Burbank, Illinois
- ROLL CALL** Roll call indicated the following Council members present: Alderman Foy, Looney, Szymczak, Grider, Pacella, Piznarski and Pyle. Also present: Mayor Klein, Treasurer Viverito, Clerk Roach and Attorney Vince Cainkar.
- The meeting opened with the pledge of allegiance to the flag.
- JOURNAL** Motion made by Alderman Grider seconded by Alderman Looney to approve the minutes of September 25, 2013 as presented was unanimously approved by voice vote and so declared by the Chair.
- CURRENT BILLS** Alderman Grider made the motion seconded by Alderman Szymczak to approve the current list of bills. A roll call vote indicated 7 Ayes and 0 Nays. The Chair declared the motion carried. Voting Aye: Alderman Pacella, Grider, Piznarski, Looney, Pyle and Szymczak and Foy.
- C LERK'S REPORT** Clerk Roach said that City Hall will be closed Monday, October 14, 2013 in commemoration of Columbus day. She also reported that she attended a bid opening on September 26th 2013 on the Bus Stop Shelter and bench equipment sets Project No. 12410 She said there was only one bidder and that was Handi-Hut, Inc. 3 Grunwald Street, Clifton, New Jersey, 07013 and their proposal was \$30,830.00.
- DEPT. OF FINANCE** Alderman Grider made the motion seconded by Alderman Looney to approve Ordinance No. 38-10-13 amending Section 8-742, Fees Enumerated, Section 8-743. Senior Citizen Exemption, and Section 8-744, Handicapped Exemption of Chapter 8, Licenses and Permits, Article XV, Motor Vehicles of the Burbank Municipal Code. A roll call vote indicated 7 Ayes and 0 Nays. The Chair declared the motion carried. Voting Aye: Alderman Piznarski, Pacella, Looney, Pyle, Grider, Foy and Szymczak.
- DEPT. OF ZONING** Alderman Foy made the motion seconded by Alderman Pacella to approve Ordinance No. 39-10-13 approving a use variation to allow the operation of an electrical contracting business in an R-1 single family residence district at 5768 West 77th Street. A roll call vote indicated 7 Ayes and 0 Nays. The Chair declared the motion carried. Voting Aye: Alderman Looney, Pacella, Pyle, Szymczak, Foy, Piznarski and Grider.
- Alderman Foy made the motion seconded by Alderman Pacella to approve Ordinance No. 40-10-13 authorizing a variation to allow the construction of a six-foot front/side yard fence for the property at 5501 west 84th street. A roll call vote indicated 7 Ayes and 0 Nays, The Chair declared the motion carried Voting Aye: Pyle, Piznarski, Foy, Grider, Looney,, Szymczak and Pacella,

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**NEW
BUSINESS**

Alderman Foy made the motion seconded by Alderman Szymczak under new business the bus stop shelter and bench equipment sets project No. 12410 to award the bid to the low bidder Handi-Hut, Inc. for \$30,830.00. A roll call vote indicated 7 Ayes and 0 Nays, The Chair declared the motion carried. Voting Aye: Looney, Pacella Pyle, Szymczak, Foy, Piznarski and Grider.

**CITIZEN'S
REPORT**

The Chair recognized Charles Bandusky 8548 S. Lavergne who was inquiring about the house next door to him which used to be occupied by the brothers from Brother Rice and is now vacant. He says there is a red sticker on the door that they need building permits and he understands that but is concerned about the house down the street where the squatters live. He is concerned that the house is empty and the mail is being dropped off there and someone picks it up. The Mayor directed the question to Frank Kainrath. Mr. Kainrath said he knows the building is sold but as far as the mail is concerned that is up to the post office and we have no authority over them.

The Chair then recognized Irene and Mike Barnish 5700 W. 84TH Pl. Burbank, Il. Irene Barnish said she is requesting a permit on a piece of property that she and three other neighbors have maintained for over 50 years. She said this has been used over the years for graffiti, drug drops. She then went on to say that they have maintained this property for over 35 years and paid taxes on it, Websters for 43 years and the Meadows for over 50 years. She said what they want is to put up fences and to be able to use the land for themselves and to continue to maintain the property, Mayor Klein told her as they discussed in his office that he would consult the attorneys as he said he would. He said he was advised that they couldn't give a permit to anyone because the City doesn't own the property and you don't own the property. Mrs. Barnish said they do own the property as they pay taxes on it. Mayor Klein said according to their attorneys that they would have to get some kind of approval from an attorney that tells the City that this property can be vacated to your benefit. He then reiterated that they cannot give them a permit on property that the City doesn't own or that they do not own.

Mrs. Barnish said let me tell you why we own it. She said she went downtown to the County building where they have all these handwritten books before Burbank was a city. They researched it and this property was never divided, there was never an easement and there was never an alley. The Cook County assessor's office showed them the Sidwell survey for years before Burbank was a city and it was always a part of our plot. She also told them that if she doesn't own it then why does she have to pay taxes on it. Mayor Klein told her that the attorney present tonight Vince Cainkar had an idea. Attorney Cainkar said when you bought your property you received a title insurance policy and you have a deed. He then told her to make copies of it and to drop it off with the Building Commissioner Mr. Kainrath and they will get it from him. Mrs. Barnish said she has her deed and has it certified but what it says is except the north eight feet and her plat survey says she doesn't own that eight feet, but the Cook County Assessor's house says you own that eight feet and you have to pay taxes on it. Attorney Cainkar said the Cook County Assessor's office only

**CITIZEN'S
REPORT
(CONTD.)**

levies taxes they have nothing to do with ownership. He told her that if she doesn't want to pay taxes on that eight feet you just file for a tax division. Mrs. Barnish said she mentioned that to them and they said they would deny it. She said she has to find an owner and when she talked to the Mayor he told her that no papers were filed to take ownership from the original owner. She said would you rather have no one own it or have us own it where we can take care of the property. Attorney Cainkar says you can find out who owns it and have them deed you the property or say you want to buy adverse possession. Mr. Kainrath said there is another issue that Mr. Charls Yedinak, their neighbor sent a letter from his attorney declaring that he has a prescriptive easement on that property because he has been using this for 30 years.

Mayor Klein said he has a garage on that property. Mike Barnish said he is a gentleman that just moved back into Burbank within the year. His parents lived there and both of his parents are deceased. Mr. Kainrath said he told him that his mother was still alive. Mr. Barnish said his mother is dead. He also said that he has never used the garage and his car was parked back there and he got a ticket. He also said that his parents never used the garage for fifteen years. Mr. Barnish reiterated what his wife had said that he, Mr. Webster, and Mr. Meadows are the only ones that ever took care of that back area. He said we have cleaned up beer bottles, put up with gang bangers, almost got run over by them, He then said that Mr. Yedinak is selling his property Mayor Klein said this is really a "Catch 22". situation. Attorney Cainkar said he will try to see who owns the property and told them to stay in touch with Frank,.

Mayor Klein then recognized Glen Kados 7809 Austin who said he was at the last meeting voicing concern about the parking situation there and concern about the building at 6000 W. 79th Street. The Mayor then directed Alderman Szymczak to talk to him. Alderman Szymczak told him that representatives from the City and the building in question met and they are alleviating the parking problem. They have a verbal agreement right now with the property across the street to use their parking. He then said that block would be designated as residential parking. Alderman Szymczak said he would be ringing every door bell on both sides of the street after 5:30 p.m. handing out informational letters, two parking stickers per car plus two guest stickers per family, If you need more, the Clerk's office would be happy to issue you what is needed, The building realizes there is a problem and they are in agreement there is a parking problem there.

Mr. Kados says they are concerned about the safety of that building and the police and fire went in there to look at the square footage of the rooms and the fire department gave occupancy requirements for each room and we will follow up on it.

**DEPT. OF
ADMINIS-
TRATION**

Mayor Klein then invited the Reavis students in the audience to come up after the meeting is adjourned and that anyone at the front table or at the Council table could sign their government class papers.

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**MOTION
TO
ADJOURN**

There being no further business to be brought before the City Council, the Chair asked for a motion to adjourn. The motion was made by Alderman Szymczak seconded by Alderman Foy to adjourn was agreed upon by voice vote and so declared by the Chair.

The meeting was adjourned at 7:50 p.m.

PATRICIA E ROACH, CITY CLERK

APPROVED

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MOTION TO

AJOURN

The meeting was adjourned at INSERT TIME HERE p.m.

PATRICIA E. ROACH, CITY CLERK

APPROVED